

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Clerk, U. S. District Court
Western District of Texas

By am
Deputy

CAROLINE CALLAWAY,
Plaintiff,

-vs-

CAUSE NO.:
A-15-CA-00103-SS

TRAVIS COUNTY, PATRICK
OBORSKI, AUSTIN POLICE
OFFICER, ADAM JOHNSON, AUSTIN
POLICE OFFICER, and CITY OF
AUSTIN,
Defendants.

VERDICT FORM

WE THE JURY UNANIMOUSLY ANSWER THE FOLLOWING:

Read all instructions in the jury charge before completing this form. This form contains six questions, some of which have multiple parts. However, depending on your answers, you may not answer all questions. Please carefully read the instructions on this form. Your verdict must be unanimous.

QUESTION 1

Answer each part "Yes" or "No." Your answer need not be the same for each part.

1(a): Did Adam Johnson violate Caroline Callaway's Fourth Amendment right to be protected from excessive force by using excessive force during the course of her detention?

Answer: NO

If you answered "Yes" to Question 1(a), please proceed to Question 1(b). If you answered "No" to Question 1(a), move on to Question 2.

1(b): Do you find that Adam Johnson's actions were objectively unreasonable in light of the clearly established law at the time, such that no reasonable officer could have believed the use of force during the course of the detention was lawful?

Answer: _____

Please proceed to Question 2.

QUESTION 2

2(a): Did Travis County deputies improperly use a spit mask on Caroline Callaway during the course of her detention in violation of her Fourth Amendment right to be protected from excessive force?

Answer "Yes" or "No."

Answer: NO

Please proceed to Question 2(b).

2(b): Did Travis County deputies use a chokehold on Caroline Callaway during the course of her detention in violation of her Fourth Amendment right to be protected from excessive force?

Answer "Yes" or "No."

Answer: NO

If you answered "Yes" to either Question 2(a) *or* Question 2(b), please proceed to Question 2(c). If you answered "No" to both Questions 2(a) *and* 2(b), move on the Question 3.

2(c): Do you find that Adam Johnson, Patrick Oborski, or both knew that Travis County deputies were violating Caroline Callaway's constitutional rights and failed to stop it, and had a reasonable opportunity to do so?

Answer "Yes" or "No" for each of the following:

Adam Johnson: _____

Patrick Oborski: _____

If you answered "Yes" to either Adam Johnson *or* Patrick Oborski in Question 2(c), please proceed to Question 2(d). If you answered "No" to both Adam Johnson *and* Patrick Oborski in Question 2(b), move on to Question 3.

2(d): Do you find that the actions of Adam Johnson, Patrick Oborski, or both were objectively unreasonable in light of the clearly established law at the time, such that no reasonable officer could have believed the use of force during the course of the detention was lawful?

Answer "Yes" or "No" for each of the following:

Adam Johnson: _____

Patrick Oborski: _____

Please proceed to Question 3.

QUESTION 3

Answer Question 3 only if you answered "Yes" to Question 2(a). Otherwise, please proceed to Question 4.

Did Travis County have a custom which permitted the improper use of spit masks?

Answer "Yes" or "No."

Answer: _____

Please proceed to Question 4.

QUESTION 4

Answer Question 4 only if you answered “Yes” to Question 1(a) and “No” to Question 1(b); “Yes” to Question 2(c) and “No” to Question 2(d) as to Adam Johnson, Patrick Oborski, or both; or “Yes” to Question 3. Otherwise, answer no further questions.

What sum of money, if paid now in cash, would fairly and reasonably compensate Caroline Callaway for the damages, if any, she experienced as a result of her injuries?

Answer separately, in dollars and cents, for damages, if any.

4a. Physical pain sustained in the past.

Answer: _____

4b. Physical pain that, in reasonable probability, Caroline Callaway will sustain in the future.

Answer: _____

4c. Mental anguish sustained in the past.

Answer: _____

4d. Mental anguish that, in reasonable probability, Caroline Callaway will sustain in the future.

Answer: _____

If you have awarded compensatory damages in any of the four parts of Question 4, please proceed to Question 6. If you have awarded no compensatory damages—in other words, \$0 for 4a, 4b, 4c, and 4d—move on to Question 5.

QUESTION 5

Is Caroline Callaway entitled to an award of one dollar in nominal damages?

Answer "Yes" or "No."

Answer: _____

If you answered "Yes" to Question 5, please proceed to Question 6. Otherwise, answer no further questions.

QUESTION 6

6(a): Do you find that the harm to Caroline Callaway resulted from the malice or reckless indifference of any of the individuals listed below?

Answer "Yes" or "No" for each of the following:

Adam Johnson: _____

Patrick Oborski: _____

If you answered "Yes" for Adam Johnson, Patrick Oborski, or both, please proceed to Question 6(b). Otherwise, answer no further questions.

6(b): What sum of money, if any, if paid now in cash, should be assessed against the individuals listed below and awarded to Caroline Callaway as punitive damages, if any, for conduct found in response to Question 6(a)?

Answer in dollars and cents, if any, for each individuals listed below for whom you answered "Yes" in response to Question 6(a):

Adam Johnson: _____

Patrick Oborski: _____

Answer no further questions.

Submitted this the 1 day of December 2016, at 4:43 o'clock P.m.

ORIGINAL SIGNATURE
REDACTED PURSUANT TO
E-GOVERNMENT ACT OF 2002